

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

ME2 PRODUCTIONS, INC.,)	
)	
Plaintiff,)	
)	Civil Action No. 5:16-cv-00083
v.)	
)	By: Elizabeth K. Dillon
FRED CRAWLEY, <i>et al.</i> ,)	United States District Judge
)	
Defendants.)	

**ORDER DISMISSING WITH PREJUDICE
DEFENDANT KIM DAVIS**

On March 11, 2019, ME2 Productions, Inc. (ME2), through counsel, filed a notice of voluntary dismissal, purporting to dismiss all of the remaining defendants in this case without prejudice, pursuant Federal Rule of Civil Procedure 41(a)(1). (Dkt. No. 52.) That provision allows a plaintiff to dismiss an action without a court order either through a stipulation of dismissal signed by all parties who have appeared or if the plaintiff's notice is filed "before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i)–(ii). As to all but one of the remaining defendants, that dismissal is appropriate, and those defendants are dismissed without prejudice by virtue of plaintiff's filing. One defendant, Kim Davis, however, has filed an answer. (Dkt. No. 30.) Thus, that subsection of Rule 41 is inapplicable as to her. Instead, a court order is required. Fed. R. Civ. P. 41(a)(2).

In April 2018, the parties had informed the court that plaintiff and Davis had reached a settlement but that the terms were being finalized. (Dkt. No. 48.) That Notice of Settlement advised that "[u]pon satisfaction of the terms of the parties' settlement agreement . . . , Plaintiff will dismiss Davis from this action *with prejudice*." (*Id.* (emphasis in original).) In light of that filing and notice, and because no party has advised that the settlement was not finalized, the

court concludes that the dismissal of Kim Davis *with prejudice* is appropriate. Fed. R. Civ. P. 41(a)(2) (noting that a court may dismiss an action at the plaintiff's request "on terms that the court considers proper").

Accordingly, the court hereby dismisses Kim Davis with prejudice. The other defendants remaining as of plaintiff's latest filing are dismissed without prejudice. The clerk is directed to strike this action from the active docket of this court, and to provide copies of this order to all counsel of record and all defendants who have appeared without counsel.

Entered: March 12, 2019.

/s/ Elizabeth K. Dillon

Elizabeth K. Dillon
United States District Judge